



**DEPARTMENT OF CORRECTIONS
POLICIES AND PROCEDURES**

Policy No.: DOC 3.1.30	Subject: FUNERAL, SICK BED VISITS, EMERGENCY TEMPORARY LEAVE FOR ADULT OFFENDERS
Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 4, plus four attachments
Section 1: Security and Control	Revision Date:
Signature: /s/ by Director Day 11/14/97	Effective Date: Feb. 1, 1998

I. POLICY:

It is the intent of the Department of Corrections to establish procedures which shall govern offender leaves to attend funerals, make sick bed visits, or attend other personal emergencies in the community.

II. AUTHORITY:

2-15-112(1)(b), MCA. Duties and Powers of Department Heads

III. DEFINITIONS:

Facilities, for the purpose of this policy, refers to the Montana State Prison, Montana Women=s Prison, boot camps, regional prisons, and in-state private prisons under contract with the Montana Department of Corrections.

Immediate Family, means parents, spouses, siblings, and children of the offender. Exceptions for grandparents may be granted if there is evidence to confirm that the grandparent was a substitute parent of the offender.

Serious Illness, for the purpose of this policy, means the patient is not expected to live.

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IV. PROCEDURES:

The Warden/Superintendent or designee may authorize an offender to leave a Department facility, in the custody of law enforcement or correctional personnel, to attend a funeral, make bedside visits to hospitalized members of his or her immediate family, or for other emergencies. The offender may make in-state visits only. Out-of-state visits are not permitted under any circumstance.

A. Notification of Death or Serious Illness

When notification of death or serious illness is received, a staff member will be designated to manage the case and will determine the following:

1. The offender must be classified Medium or Minimum custody level. Close and Maximum custody offenders are not authorized leave under this policy.
2. Make a confirmation of death and tentative funeral arrangements with the funeral director and/or confirm serious illness with the attending physician.
3. Notify the offender of death or illness. If appropriate, solicit assistance of the facility chaplain.
4. Determine that the family desires the offender's presence at the funeral/sick bed, etc.
5. The facility Victim Information Coordinator will contact the prosecuting county attorney to identify victim and prosecutorial concerns.
6. If victim notification has been requested when an offender leaves a facility, the Victim Information Coordinator will notify the victim directly. Prior to consideration by the Warden/Superintendent, the leave request must be submitted to the Victim Information Coordinator for review and recommendation.

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7. Contact local law enforcement to ensure that advance notice is made of the pending leave, and identify security and community concerns.

B. Offender Requests for Temporary Leave

Arrangements for funeral attendance or sick bed visits will be made by the Correctional Services Coordinator, Correctional Supervisor, or other appropriate staff.

1. The offender or family shall be responsible for covering all costs of the trip.
2. Offender Welfare Funds may be used as a secondary funding source.
3. The facility accounting office shall provide the staff member managing the case with an estimate of the cost of the trip and funds available on the offender's account.
4. When adequate funding is not available, the request will be denied.
5. If an overnight visit is necessary, the offender will be housed in a local jail. The appropriate staff will confirm these arrangements prior to the trip.
6. In advance of the anticipated leave, the Shift Supervisor will notify local law enforcement that the offender will be in their jurisdiction. This notification will be documented in writing.

C. Transportation by Local Law Enforcement

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1. When law enforcement officials are transporting, they shall agree to accept responsibility in the event that the offender escapes, and pay all costs of returning the offender to the facility when the offender is apprehended.
2. All expenses incurred by the transporting law enforcement officials shall be paid by the offender or his/her family. The appropriate facility staff will verify with law enforcement officials that necessary financial arrangements have been made prior to the temporary leave.

D. Escort Requirements

1. Department staff who are assigned as transporting officers will comply with DOC 3.1.12, Escorted Trips. Local law enforcement officers who are providing transportation shall be expected to comply with the applicable sections of these policies.
2. Absolutely no drinking or drug use is permitted by escorting officers or offenders. Violation of this regulation will result in appropriate disciplinary action.

E. High Profile Cases

Upon receipt of a request for leave by a high profile offender, the Warden/Superintendent shall discuss the request with their Division Administrator or the Director. Careful consideration must be given to all of the issues inherent when determining the ramifications of granting temporary leave for such offenders.

V. CLOSING:

Questions concerning this policy shall be directed to the Warden/Superintendent or designee.

PROCEDURES FOR PROTECTION OF ESCORT OFFICERS AND SECURITY OF OFFENDER

In order to provide for the protection of escorting officers, and the security of the offenders while off Department property during emergency temporary leave, the following procedures will be adhered to. It is recommended that local law enforcement agencies providing transportation for State offenders comply with the intent of this policy:

1. Two officers will be assigned to escort an offender regardless of the offender's custody level. For escorting more than one offender, see the local transportation policy.
2. The use of restraints will be in accordance with DOC 3.1.12, Escorted Trips.
3. Escort officers will sign out a portable high-band radio or cell phone. The radio/phone will be carried by one of the officers at all times.
4. The assigned vehicle will be equipped with a high-band radio.
5. Escorting officers will be in uniform.
6. One escort officer will be armed with a prison-issued revolver and two speed loaders.
7. The unarmed officer will handle the offender. The armed/unarmed officer will position himself at proper and safe distance from the offender at all times.
8. The Shift Commander will send a teletype message to the local law enforcement agency involved. The message will inform that agency of the funeral detail, names, dates, times, radio call signs, ETA, etc., and request a reply with the name of an officer to contact if needed, agency's call sign, etc.

Escorting officers will make contact with previously coordinated local law enforcement agencies to notify them that the offender and escorting officers are in their jurisdiction. If a security problem arises, officers will use the high-band radio to request assistance from local law enforcement officers.

OFFENDER REQUEST FOR TEMPORARY LEAVE

To: Warden/Superintendent

From: _____

Offender: _____

AO No.: _____

Housing Unit: _____

Custody Level: _____

Organization or Staff Sponsor: _____

The above offender requests temporary leave from the facility for the following reason:
(Please include name, address, location, phone number, and invitation, if any.)

ESCORTS AND SPONSORS**SIGNATURE****DATE**

UNIT MANAGEMENT TEAM:**SIGNATURE****DATE**

☐ APPROVED ☐ DENIED _____

Unit Correctional Supervisor

☐ APPROVED ☐ DENIED _____

Unit Correctional Services Coordinator

FACILITY VICTIM INFORMATION COORDINATOR:

☐ APPROVED ☐ DENIED _____

SIGNATURE

DATE

WARDEN/SUPERINTENDENT

☐ APPROVED ☐ DENIED _____

SIGNATURE

DATE

COORDINATION: (Date, Time, Name(s), Agencies of Law Enforcement Informed):

SPECIAL EQUIPMENT TAKEN: _____

COMMENTS: _____

copies to: Main Control

Command Post

Unit Control

Sponsor

Records

Offender

SAMPLE

ITINERARY

OFFENDER: _____

DATE: _____

OFFICERS: _____

ACTIVITY	LOCATION	DATE	TIME	TO	PHONE <small>(if available)</small>

UNIT COUNSELOR SIGNATURE

DATEcopies to: Main Control
SponsorCommand Post
RecordsUnit Control
Offender

TEMPORARY LEAVE CHECK-LIST

The Shift Commander / Unit Manager will ensure the following:

- ☐ 1. Escort officers are in proper uniform.
- ☐ 2. ~~High~~-band radio, weapon and ammunition are issued and serviceable.
- ☐ 3. Vehicle is available and standing by.
- ☐ 4. Escort officers have state credit card(s), cash advances, etc.
- ☐ 5. Appropriate restraints are issued.
- ☐ 6. Copy of itinerary is attached to temporary leave request.
- ☐ 7. Escort officers are familiar with policies (Funeral, Sick Bed Visits, Emergency Temporary Leave for Offenders; and the local transportation policy).
- ☐ 8. Officers are aware of any special instructions.
- ☐ 9. A teletype message has been sent to the local law enforcement agency involved, informing them of the funeral detail, names, dates, times, radio call signs, etc., and a reply was received from that law enforcement agency giving their call signs, name of officer contacted, etc.

DATE/TIME

ESCORTING OFFICER'S SIGNATURE

DATE/TIME

ESCORTING OFFICER'S SIGNATURE

DATE/TIME

SHIFT COMMANDER'S SIGNATURE